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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. CR 11-00922 DDP (12)
	)	
Plaintiff,	)	ORDER DENYING MOTION TO REDUCE
	)	SENTENCE RE NON-VIOLENT DRUG
v.	)	OFFENSE
	)	
	)	[DOCKET NUMBER 873 ]
KEITH PULLAM,	)	
	)	
Defendants.	)	
	)	
	)	

Defendant has moved pro se pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the United States Sentencing Guidelines to have his sentence reduced. (Dkt. No. 873.) Although courts have discretion in § 3582(c)(2) proceedings to appoint counsel, "there is no statutory or constitutional right to counsel for a § 3582(c) motion or hearing." United States v. Webb, 565 F.3d 789, 795 (11th Cir. 2009). Because defendant's motion to have his sentence reduced is meritless, the Court declines to exercise its discretion to appoint counsel. See United States v. Richardson, 569 Fed. Appx. 504, 504-05 (9th Cir. 2014) (upholding discretionary decision to not appoint counsel in § 3582©

1 proceedings where "[a]ll of the arguments [defendant] claims he  
2 could have presented with the benefit of counsel have either been  
3 squarely rejected or severely undermined").  
4 Defendant's motion fails because he received a downward departure  
5 or variance that resulted in a sentence at or below the low end of  
6 his post-Amendment 782 Guidelines range. See United States v.  
7 Davis, 739 F.3d 1222, 1224-26 (9th Cir. 2014) (holding that USSG §  
8 1B1.10(b) "prohibits a court from reducing a defendant's sentence  
9 to a term that is less than the minimum of the amended guidelines  
10 range, except in the case of a defendant who originally received a  
11 below-guidelines sentence based on substantial assistance to the  
12 government," and rejecting various legal challenges to the  
13 prohibition); see also United States v. Tercero, 734 F.3d 979,  
14 981-84 (9th Cir. 2013) (similar).

15 Therefore, the Court DENIES Defendant's Motion (Dkt. No. 873).  
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17 IT IS SO ORDERED.  
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20 Dated: May 4, 2016  
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DEAN D. PREGERSON  
United States District Judge